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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,637	10/23/2003	Makoto Nagasawa	03USFP917-M.K.	9154
21254 7590 09/04/2008 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
EXAMINER ALAM, FAYYAZ				
ART UNIT 2618		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/690,637

Applicant(s)

NAGASAWA, MAKOTO

Examiner

FAYYAZ ALAM

Art Unit

2618

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 7, 8 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 8 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claims 1 and 15 are withdrawn in view of the newly discovered reference(s) to Shah (USPN 2007/0060212) in view Ono et al. (USPN 2004/0192412). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shah (USPN 20070060212)** in view of **Ono et al. (USPN 2004/0192412)**.

Consider **claim 1**, Shah discloses a mobile terminal comprising: a battery (see fig. 1); a power supply block which supplies power of said battery (see fig. 1); a radio communication block which communicates with a base station when said power is supplied from said battery through said power supply block, said radio communication block having both a transmission function and a reception function (see fig. 1 and associated text); a first switch which is interposed between said power supply block and

said radio communication block(see fig. 1 and associated text); a key operation section to which said power is always supplied from said battery through said power supply block(see fig. 1 and associated text); a control unit which controls said first switch to stop the power supply from said battery to said radio communication block to stop communication between the mobile terminal and the base station in response to a manual operation of said key operation section(see fig. 1 and associated text; [0020]); a base band block which is connected with said first switch and said radio communication block(see fig. 1 and associated text); an application function block to which said power is always supplied from said battery through said power supply block and is possible to accomplish application functions(see fig. 1 and associated text; [0015]); and, wherein the power supply to said base band block is stopped when said control unit controls said first switch to stop the power supply from said battery to said radio communication block in response to said manual operation of said key operation section (see [00180-0020]), and wherein said control unit controls said first switch to disconnect said base band block from said application function block (see fig. 1).

However, Shah does not explicitly disclose a second switch which is interposed between said application function block and said base band block and control unit is contained in said application function block and controls said second switch to disconnect said base band block from said application function block.

In the related field of endeavor, Ono discloses a second switch which is interposed between said application function block and said base band block (see figs. 2-3 and associated text) and control unit is contained in said application function block

and controls said second switch to disconnect said base band block from said application function block (see figs. 2-3 and associated text).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Shah with the teachings of Ono in order to substitute a single switch with a dual switch configuration, the single switch performs the same operation as the applicant's dual switch configuration.

Consider **claim 15**, Shah discloses a mobile terminal comprising: a battery (see fig. 1); a power supply block which supplies power of said battery (see fig. 1); a radio communication block which communicates with a base station when said power is supplied from said battery through said power supply block, said radio communication block having both a transmission function and a reception function (see fig. 1 and associated text); a first switch which is interposed between said power supply block and said radio communication block(see fig. 1 and associated text); a key operation section to which said power is always supplied from said battery through said power supply block(see fig. 1 and associated text); a control unit which controls said first switch to stop the power supply from said battery to said radio communication block to stop communication between the mobile terminal and the base station in response to a manual operation of said key operation section(see fig. 1 and associated text; [0020]); an base band block to which said power is always supplied from said battery through said power supply block and is possible to accomplish application functions(see fig. 1 and associated text; [0015]); control unit controls said first switch to stop the power supply from said battery to said radio communication block in response to said manual

operation of said key operation section (see [00180-0020]), and wherein said control unit controls said first switch to stop communication between said base band block and said radio communication block (see fig. 1).

However, Shah does not explicitly disclose a second switch which is interposed between said base band block and said radio communication block and control unit controls said second switch to stop communication between said base band block and said radio communication block.

In the related field of endeavor, Ono discloses a second switch which is interposed between said base band block and said radio communication block and control unit controls said second switch to stop communication between said base band block and said radio communication block. (see figs. 2-3 and associated text).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Shah with the teachings of Ono in order to substitute a single switch with a dual switch configuration, the single switch performs the same operation as the applicant's dual switch configuration.

Claims 7-8, 13-14, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shah (USPN 20070060212)** in view of **Ono et al. (USPN 2004/0192412)** and further in view of **Okano (UK Application GB 2,343,335)**.

Consider **claims 7, 13, and 20** as applied to claims 1, 9, and 15, Okano discloses user inputs a transmission suspension command (read as manual operation of a key) through the data input section (6) (read as key operation section) and the control circuit (1) (read as control unit) controls the switch (12) (first switch) to be turned

off and in the event the transmission suspension period is ended the user inputs a command (read as manual operation) which cancels the power cut off signal and consequently the switch (12) (read as controlling said first switch) is turned on (see pg. 6, lines 13 - 20; pg. 11, lines 11 - 19).

Consider **claims 8, 14, and 19** as applied to claims 1, 9, and 15, Okano discloses a timer (9) with a certain time limit (read as predetermined time is set) and the timer counts down the transmission suspension time and when the timer runs out (read as timer measures the predetermined time) the portable communication system is returned to normal operation (read as control unit controls said first switch to be turned on) (see pg. 6 lines 7 - 20; pg. 7, lines 16 - 23).

Claims 16 - 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Shah (USPN 20070060212)** in view of **Ono et al. (USPN 2004/0192412)** and further in view of **Usami (USPN 7,062,303)**.

Consider claims **16 and 17** as applied to claim 15, Shah as modified above fails to disclose said claims.

In the related field of endeavor, Usami disclose controller (14) (read as control unit and first and second switch) controls to turn off the transmitting/receiving section (16) (read as stop communication between the mobile terminal and the base station) (see abstract; fig. 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Shah as modified above

with the teachings of Usami in order to completely prevent communication of a cell phone device and thereby avoiding malfunctioning of other critical electronic devices.

Consider **claim 18** as applied to claim 15, Shah as modified above fails to disclose said claim.

In the related field of endeavor, Usami discloses main power supply of the mobile terminal is ON and therefore applications functions of the mobile terminal can carry out while the communication functions are OFF. Therefore, the "base band block" and the "radio communication block" will be effectively disconnected since the power is not supplied to the "radio communication block" (see abstract; [0035]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Shah as modified above with the teachings of Usami in order to completely prevent communication of a cell phone device and thereby avoiding malfunctioning of other critical electronic devices.

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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Customer Service Window
Randolph Building

401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

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Fayyaz Alam

August, 2008

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618